

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**SEAN GILMORE,**

**Plaintiff,**

**vs.**

**Case No.: 2:16-cv-1133  
JUDGE GEORGE C. SMITH  
Magistrate Judge Jolson**

**RUSSIAN, *et al.*,**

**Defendants.**

**ORDER**

On May 3, 2017, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* be granted and that Plaintiff's Complaint be dismissed as frivolous pursuant to 28 U.S.C. § 1915A(a). (*See Order and Report and Recommendation*, Doc. 4). The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Order and Report and Recommendation*. (*See* Doc. 5). Plaintiff has also filed a Motion to Correct the spelling of Defendant's name, Rushing instead of Russian. Further, Plaintiff moves this Court to appoint counsel. (*See* Docs. 6 and 7).

Plaintiff's objections to the *Order and Report and Recommendation* are the same arguments made in his Statement of Fact and Statement of Claims. These arguments were already considered by the Magistrate Judge in the *Order and Report and Recommendation*. These general objections are not sufficient to preserve any issues for reviews, and "[a] general objection to the entirety of the magistrate's report has the same effects as would a failure to

objection.” *Howard v. Sec’y of H.H.S.*, 932 F.2d 505, 509 (6th Cir. 1991). Therefore, for the reasons stated in detail in the *Order and Report and Recommendation*, this Court finds that Plaintiff’s Objections are without merit and are hereby **OVERRULED**.

The *Order and Report and Recommendation*, Document 4, is hereby **ADOPTED** and **AFFIRMED**. Plaintiff’s Complaint is hereby dismissed. As a result of the dismissal of this case, Plaintiff’s Motion to Correct and Motion to Appoint Counsel are **DENIED AS MOOT**.

The Clerk shall remove Documents 4, 5, 6, and 7 from the Court’s pending motions list. The Clerk shall terminate this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**